United Nations Convention on the Law of the Sea CLCS/L.12

Commission on the Limits of the Continental Shelf

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Internal procedure of the subcommission of the Commission on the Limits of the Continental Shelf

Section I
Organization of the work of the subcommission by the Commission

1. Presentation of the submission and selection of the members of the subcommission

Upon notification that a submission has been received and been given due publicity in accordance with rule 49 of the Rules of Procedure of the Commission on the Limits of the Continental Shelf,[1] and after a period of at least three months following the date of publication, in accordance with rule 50, paragraph 1, the Commission shall convene its meeting with the following items on the agenda:

(a) Presentation of the submission by coastal State representatives; and

(b) Nominations and selection of the members of the subcommission.

2. Presentation of the submission by coastal State representatives

The presentation to the Commission shall include the information listed in paragraph 3 of section I of the Modus Operandi of the Commission.[2]

3. Nomination and selection of the members of the subcommission

In accordance with rule 41, the Commission shall receive nominations from among its members and shall select seven of them to serve in the subcommission, ensuring that the composition of the subcommission is balanced and that none of the selected members has provided scientific and technical advice with respect to the delineation of the outer limit of the continental shelf of the coastal State making the submission.

4. Election of the officers of the subcommission

The subcommission shall elect from among its members a Chairperson, a Vice-Chairperson and a Rapporteur.

5. Arrangements for meetings of the subcommission and consultations with specialists

As provided for in rule 16, the Secretary-General shall make the arrangements related to the meetings of the subcommission, and shall provide support and direct the staff required for such meetings.

Upon the recommendation of the subcommission, the Commission, at the earliest opportunity at any meeting of its regular sessions, will decide whether the advice of a specialist should be sought, as provided for in rule 56, or whether, pursuant to rule 55, the cooperation of relevant international organizations is needed.

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Section II
Initial examination of the submission

6. Format and completeness of the submission

The subcommission shall examine initially whether the format of the submission is in compliance with the requirements set out in the Scientific and Technical Guidelines of the Commission.[3] It will ensure that all necessary information is included in the submission. If it is deemed necessary, the subcommission may request the coastal State to modify the format, clarify parts of the submission and/or provide additional information.

7. Executive summary

The subcommission shall examine the content of the executive summary to ascertain whether it complies with the requirements provided for in paragraph 3 of section I of the Modus Operandi of the Commission on the Limits of the Continental Shelf.

8. Consideration of any disputes

The subcommission shall examine the information on disputes presented by the coastal State, or on any dispute relevant to the submission referred to in rule 45 and Annex I to the Rules of Procedure of the Commission.

If necessary, the subcommission shall take action based on the procedures contained in Annex I to the Rules of Procedure.

9. Preliminary analysis of the submission

The subcommission shall undertake a preliminary analysis of the submission in accordance with the Scientific and Technical Guidelines in order to determine:

(a) If the Test of Appurtenance is satisfied by the coastal State;

(b) Which portions of the outer limit of the continental shelf are determined by each of the formulae and constraint lines provided for in article 76 of the United Nations Convention on the Law of the Sea and the Statement of Understanding set out in Annex II to the Final Act of the Convention;

(c) If the construction of the outer limit contains straight lines no longer than 60M;

(d) If it needs to recommend the request of advice by specialists to the Commission; and

(e) The estimated time required by the subcommission to review all the data and make its recommendations to the Commission.

This preliminary analysis shall be completed within a period of not more than one week.

10. Clarification

The subcommission shall examine whether any parts of the submission might need to be clarified by the coastal State.

If necessary, the subcommission shall request clarification on those parts of the submission from the representatives of the coastal State through the Chairperson of the subcommission.

11. Notification to the Commission

The subcommission shall inform the Commission of the estimated time required for the preparation of its recommendations based on the technical complexity of the submission and the amount of data and information contained in it.

Section III
Scientific and technical examination of the submission

12. Examination of the submission

The subcommission shall conduct an examination of the submission based on the Scientific and Technical Guidelines in order to examine the following, where applicable:

(a) The data and methodology employed by the State to determine the location of the foot of the continental slope;

(b) The methodology used to determine the formula line at a distance of 60M from the foot of the continental slope;

(c) The data and methodology used to determine the formula line delineated by reference to the outermost fixed points at each of which the thickness of sedimentary rocks is at least 1 per cent of

the shortest distance from such point to the foot of the continental slope;

(d) The data and methodology employed in the determination of the 2,500 metre isobath;

(e) The methodology used to determine the constraint line at a distance of 100M from the 2,500 metre isobath;

(f) The data and methodology used to determine the constraint line at a distance of 350M from the baselines from which the breadth of the territorial sea is measured;

(g) The construction of the formulae line as the outer envelope of the two formulae;

(h) The construction of the constraint line as the outer envelope of the two constraints;

(i) The construction of the inner envelope of the formulae and constraint lines;

(j) The delineation of the outer limit of the continental shelf by means of straight lines no longer than 60M with a view to ensuring that only the portion of the seabed that meets all the provisions of article 76 and the Statement of Understanding set out in Annex II to the Final Act is enclosed; and

(k) The estimates of the uncertainties in the methods applied, with a view to identifying the main source(s) of such uncertainties and their effect on the submission.

13. Additional data or information

Should the subcommission arrive at the conclusion that there is a need for additional data or information, it shall request the Chairperson of the subcommission to communicate that need to the coastal State. In accordance with paragraph 12.3 of the Modus Operandi, the coastal State will provide the requested data or information within the time period specified by the subcommission.

Section IV
Consultations with representatives of the coastal State

14. Consultations at United Nations Headquarters

The representatives of the coastal State will provide the members of the subcommission with any clarification requested on any part of the submission.

Section V
Recommendations of the subcommission

15. Formulation of recommendations

The recommendations of the subcommission shall be prepared in accordance with the provisions contained in article 76 of the United Nations Convention on the Law of the Sea and its Annex II, the Statement of Understanding in Annex II to the Final Act, and the Rules of Procedure and the Scientific and Technical Guidelines of the Commission.

The recommendations of the subcommission shall focus on the items identified in section III. Where the outer limit of the continental shelf is different from that proposed in the submission, the subcommission's recommendations will include whenever possible the position of its revised outer limits, and the reasons for its revision.

16. Drafting of the recommendations

The recommendations of the subcommission shall be submitted in writing to the Commission in accordance with rule 50, paragraph 4. The Rapporteur of the subcommission shall produce a first draft of the recommendations after consultations with all of its members. Each member shall produce notes to be considered by the Rapporteur during the preparation of the draft.

The draft shall be examined collectively by the subcommission at a first reading. Any member who wishes to modify the draft may propose amendments in writing.

17. Adoption of the recommendations by the subcommission

In accordance with rule 35, the subcommission shall do its best to ensure that its work is accomplished by general agreement. Accordingly, the subcommission shall make every effort to reach agreement on recommendations by way of consensus. There shall be no voting on such matters until all efforts to achieve consensus have been exhausted.

Should it prove impossible to achieve consensus, the subcommission shall proceed to vote according to Part IX of the Rules of Procedure.

Section VI
Confidentiality

18. Duty to preserve confidentiality

According to rule 4 of Annex II to the Rules of Procedure, the deliberations of the subcommission on all submissions made in accordance with article 76, paragraph 8, of the Convention shall take place in private and shall remain confidential.

Only members of the subcommission and, if necessary, specialists appointed in accordance with rule 56 shall take part in the subcommission deliberations on submissions. The Secretary and other members of the Secretariat as may be required shall be present. No other person shall be present except by permission of the subcommission.

Notes

[1] All rules referred to herein are those of the Rules of Procedure of the Commission (CLCS/3/Rev.3 and Corr.1).

[2] Modus Operandi of the Commission on the Limits of the Continental Shelf (CLCS/L.3).

[3] The Scientific and Technical Guidelines are contained in documents CLCS/11 and Corr.1 and CLCS/11/Add.1 and Corr.1.